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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,838	12/09/2003	Ingermar S. d'Agrella	077077-9146-00	4415
23409	7590	09/16/2005		
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			EXAMINER DESAI, HEMANT	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,838

Applicant(s)

D'AGRELLA ET AL.

Examiner

Hemant M. Desai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 8/2/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-31 is/are allowed.
- 6) ☒ Claim(s) 1-19 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/17/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 20-23 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/7/2005.

A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-19 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Agrella et al. (6394445) in view of Stieler et al. (6776750).

d'Agrella et al. disclose a folder for a printing press, the folder operable to cut a web into individual printed products, the folder comprising at least one in feed roller

(driving section, see col. 5, lines 40-41), a pair of cutting cylinders positioned downstream of the in feed rollers (see col. 5, lines 40-41), a diverter mechanism (12, fig.1) positioned downstream of the cutting cylinders.

d'Agrella et al., as mentioned above, disclose all the claimed limitations, except for providing separate motors for in feed rollers, cutting cylinders and diverter mechanism. However, Stieler et al., teach to provide separate motors in a folder to continue to operate the folder without functional impairment in the event of failure of a motor and therefore the serviceability of the entire folder is ensured (see col. 2, lines 13-19), for adjustment functions for format change (see col. 2, lines 23-25) and division of the power in the drive can be carried out, as a result smaller drive motors can be used, which reduces the dimensioning of the controlled electronics in a corresponding way (see col. 2, lines 33-36). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide separate motors as taught by Stieler et al. in the folder for a printing press of d'Agrella et al. for in feed rollers, cutting cylinders and diverter mechanism to continue to operate the folder without functional impairment in the event of failure of a motor and therefore the serviceability of the entire folder is ensured, for adjustment functions for format change and division of the power in the drive can be carried out, as a result smaller drive motors can be used, which reduces the dimensioning of the controlled electronics in a corresponding way.

Regarding claims 2-4 and 17, d'Agrella et al. disclose first and second delivery belts (18, 16, fig. 1) and third and fourth collator belts (64, 62, fig. 1) supported by the frame and circulating in endless loops, the delivery belts lying in substantially face to

face relation between the cutting cylinders (not shown) and the diverter mechanism (12, fig. 1), and the third collator belt (64) lying in substantially face to face relation with the first delivery belt (18) to define a first collation path extending away from a first side of the diverter mechanism, and the fourth collator belt (62) lying in substantially face to face relation with the second delivery belt (16) to define a second collation path extending away from a second side of the diverter mechanism. Further, the folder of d'Agrella et al. as modified by Stieler et al. teach to provide separate motors to drive the first delivery belt and the third collator belt and the second delivery belt and the fourth collator belt. Furthermore, the speed of all the four belts is substantially equal, and therefore single motor as disclosed by d'Agrella et al. would perform the same function of providing two separate motors.

Regarding claim 5, the folder of d'Angrella et al. as modified by Stieler et al. teach to providing separate motors to drive the diverter mechanism, and therefore it is inherent to reduce the speed of the diverter motor to zero.

Regarding claims 6 and 34, d'Agrella et al. disclose a first and second slow-down mechanism (46, fig. 1) positioned along the first and second collation paths and independently driven (see col. 7, lines 65-67; col. 8, lines 1-3).

Regarding claim 7, d'Agrella et al. disclose a first and second delivery buckets (30, fig. 1) positioned downstream of the first and second slow-down mechanisms respectively and independently driven (see col. Col. 8, lines 4-8).

Regarding claim 9, d'Agrella et al. disclose that a first distance between the in feed rollers and the cutting cylinders, and a second distance between the cutting cylinders and the diverter mechanism are substantially fixed.

Regarding claims 10 and 18, Stieler et al. teaches a control system (63, 64, fig. 1) ensuring automatic adjustments and to provide signals (see col. 5, lines 18-22). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the control system as taught by Stieler et al. in the folder for a printing press of d'Agrella et al. to ensure automatic adjustments and to provide signals.

Regarding claims 11, 19 and 35, d'Agrella et al. disclose a printed product sensors (see col. 15, lines 33-58) to control the motor.

Regarding claims 12, the modified folder for printing press of d'Agrella, as mentioned above, meets all the claimed limitations.

Regarding claims 13 and 36, d'Agrella et al. disclose that the diverting assembly includes a diverter wedge (20, fig. 1).

Regarding claim 14, d'Agrella et al. disclose that the diverting assembly includes a diverter nip, and wherein the diverter nip moves with respect to the diverter wedge to guide printed products toward opposite sides of the diverter wedge.

Regarding claim 15, d'Agrella et al. disclose an in feed section including guide rollers (driving section, see col. 5, lines 40-41) that guide the web toward the cutting section.

Regarding claim 32, the modified folder for printing press of d'Agrella, as mentioned above, meets all the claimed limitations. d'Agrella et al. disclose a printed product sensors (see col. 15, lines 33-58) to control the motor.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over d'Agrella et al. and Stieler et al. as applied in claim 1 above, and further in view of Cote (6360640).

The folder of d'Agrella et al. as modified by Stieler et al. meets all the limitations of claim 8, except for the variable speed of cutting cylinder to adjust a cut length of each printed product.

However, Cote teaches a variable speed of cutting cylinders (1, 2, fig. 5) to adjust the cut length of printed product (6, fig. 5) to allow cutting signatures of different lengths without having to adjust the diameter of the cutting cylinders and which provide a good signature quality (see col. 1, lines 50-53). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the variable speed of cutting cylinder as taught by Cote in the folder for a printing press of d'Agrella et al. to allow cutting signatures of different lengths without having to adjust the diameter of the cutting cylinders and which provide a good signature quality.

Response to Arguments

5. Applicant's arguments filed 8/2/2005 have been fully considered but they are not persuasive. In response to applicant's argument that Stieler does not teach or suggest a first motor operable to drive the in feed roller at a first speed, a second motor operable to drive the cutting cylinders at a second speed that is independently variable from the

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first speed, a diverter mechanism positioned downstream of the cutting cylinders, and, a third motor operable to drive the diverter mechanism at a third speed that is independently variable from the first and second speeds. Examiner would like to point out that he relies on the Stieler reference for the separate motor being provided for the different elements of d'Agrella et al. in feed rollers, cutting cylinders and diverter mechanism to operate the folder without functional impairment in the event of failure of a motor and therefore the serviceability of the entire folder is ensured, for adjustment functions for format change and division of the power in the drive can be carried out, as a result smaller drive motors can be used, which reduces the dimensioning of the controlled electronics in a corresponding way. D'Agrella discloses the structure of the apparatus as claimed in claim 1, except for individual motor for in feed rollers, cutting cylinders and diverter mechanism. For the reasons mentioned above, it would have been obvious to one having ordinary skill in the art to provide separate motors, as taught by Stieler et al. in the folder for a printing press of d'Agrella et al., for in feed rollers, cutting cylinders and diverter mechanism, and these motors are operable to drive the in feed rollers, cutting cylinders and diverter mechanism.

Further, in response to applicant's argument that Stieler's motors control several parts on more than one cylinder, Examiner would like to point out that he relies on the Stieler reference for the separate motor being provided for the different elements. Further, applicant argues that each motor 21, 23, and 25 does not solely control the actions of a single cylinder or component, and motors are not activated or deactivated as indicated by the Examiner, but rather the clutches are activated or deactivated to

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connect or disconnect the subsystems A, B, or C. It is well known to provide separate motors independent of each other (see cited reference 6,752,751, Jackson et al.) to avoid clutches and in the folder system will shut down in the event of motor failure.

Regarding claims 3 and 4, d'Agrella discloses the delivery and collator belts circulating in endless loops and the teachings of providing independent motors, for the reasons mentioned above, it would have been obvious to one having ordinary skill in the art to provide forth motor for the delivery belts. Applicant's argument regarding remaining claims, for the reasons explained above, the folder of d'Agrella as modified by Stieler meets all the limitations of the remaining claims.

Allowable Subject Matter

6. Claims 24-31 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

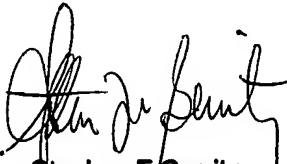
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMD



Stephen F. Gerrity
Primary Examiner